

Appln No. 10/779,528
Amdt date March 22, 2006
Reply to Office action of September 23, 2005

REMARKS

Reconsideration of this application is requested.

Independent claims 1, 27 and 33, which were rejected under §112, have been amended in this response to overcome the rejection.

Independent claims 1, 13, 23, 27 and 33 have been amended. The remaining dependent claims are presented in their original form. In addition, new claims 39 and 40 have added. In view of this response, claims 1-40 are now in the application.

The examiner's indication of allowable subject matter is noted and appreciated. In the Office action claims 3-5, 12-32 and 35-38 were indicated to contain allowable subject matter. In view of the amendments and explanation herein, it is submitted that claims 1-38 inclusive are now allowable. In addition, recognizing the examiner's comments with respect to "Allowable Subject Matter," new claims 39 and 40 have been added to claim these patentable features of the invention.

The present application comprises a multi-layer laminate adapted to be placed in contact with a surface, which can be a painted surface, in order to provide a layer of color to the surface in a manner similar to wallpaper. Films overlaying such painted surfaces, which may contain dyes or mono azo pigments, can be discolored from pigmented materials which migrate into the wall film. The present invention addresses this situation, especially where the painted surface containing the migrating organic color components may not be modified to avoid the color migration problem. In response to the problem, the invention provides a laminate containing a barrier layer film made from a material and positioned in the laminate so as to cover the region of the wall film between the adhesive layer and the color layer to thereby effectively inhibit or prevent migrating color materials, such as mono azo pigments, from discoloring the dry paint layer component of the overlying wall film.

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Claims 1-2, 8-10 and 33-34 were rejected as anticipated by Smith (EP 569,921). The Smith reference was cited to show a multi-layer decorative laminate comprising a removable casting substrate 1 which may also be referred to as a release liner, a dry paint resin film 2 overlying the release liner, and a pressure sensitive adhesive layer 3 overlying the resin film. The rejection is based on the examiner's reasoning that the resin film of Smith can have decorative print patterns on its reverse side (page 6, lines 19-20) and thus, the print pattern will function as a barrier layer.

The claims contained in this response more clearly emphasize the discoloration barrier film aspects of the invention as distinguished from the print pattern layer or layers of Smith, which are relied upon in the anticipation rejection.

Smith discloses a decorative covering, which is concerned with control of release forces between the release liner and the resin film, and the release liner support for the resin film layer, which is non-self-supporting. As to its decorative aspects which are referred to in the rejection, Smith discloses the resin film with printed embodiments in which the resin film layer itself is transparent and back-printed with decorative print indicia on its reverse side. Unprinted areas remain so that any indicia printed on the resin layer are visible through the transparent resin film, along with the background color of the surface to be decorated.

The print pattern layer or layers of Smith are not a thin, flexible barrier film positioned in the laminate and made from a material so as to inhibit or prevent migration of discoloration-causing constituents from a painted wall to the color layer. The claimed barrier film, in being defined as a "barrier," covers the space between the adhesive layer and the color layer so as to provide the claimed barrier effect--resistance to color migration through the laminate to the color layer.

The print layer or layers of Smith are not a barrier. In fact, the decorative intent in Smith is to have open spaces so that the color of a painted wall can show through and provide coloration for the decorative effects along with the under-printed resin film--just the opposite of

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the claimed invention. Such decorative effects are not a barrier and do not function as the claimed discoloration barrier.

Further, there is no suggestion motivation or recognition anywhere in Smith of a discoloration problem, much less the need for the claimed barrier film.

Accordingly, the claims now in the application are not anticipated by Smith, and therefore, it is requested that, in view of this response, the anticipation rejection be withdrawn.

As to the other cited reference, the patent to Johnson et al., no discoloration barrier film positioned in the laminate and having the claimed discoloration materials is suggested.

For the foregoing reasons, it is submitted that the present response overcomes the prior art rejections, and therefore allowance of all claims is requested.

The claims have been provisionally rejected under obviousness-type double patenting, as unpatentable over claims 1-9 of copending Application No. 10/779,488. Inasmuch as this is a provisional obviousness-type double patenting rejection, and because the conflicting claims have not in fact been patented, applicant reserves its right to respond to the ODP rejection until patentable subject matter has been indicated.

Applicant submits with this response an Information Disclosure Statement to cite references not previously of record in this application.

Respectfully submitted,

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